

Address 240 N. OAKHURST DRIVE

Application # _____

CONTRACTOR REGISTRATION INFORMATION**SIGNAGE CONTRACTOR** (Check primary contact) ☐

CITY OF AURORA

G.C. REGISTRATION # 06-13969BUSINESS NAME Grahl ConstCONTACT NAME ScottADDRESS Cell - 312-735-6397

CITY, STATE ZIP _____

N/A ☐

PHONE () _____

FAX () _____

E-MAIL _____

ELECTRICAL CONTRACTOR (primary contact) ☐

CITY OF AURORA

ELECT. REGISTRATION # 06-0003600BUSINESS NAME TIMM ELECTRICCONTACT NAME TOM McGRATH JRADDRESS 17832 MINS RDCITY, STATE ZIP JOLIET IL 60433N/A ☐PHONE (815) 723-4501FAX (815) 723-7243

E-MAIL _____

PLUMBING CONTRACTOR (primary contact) ☐

CITY OF AURORA

PLUMBING REGISTRATION # _____

BUSINESS NAME _____

CONTACT NAME _____

ADDRESS _____

CITY, STATE ZIP _____

N/A ☐

PHONE () _____

FAX () _____

E-MAIL _____

CERTIFICATION

This is an application only. Completion of this application does Not entitle the commencement of construction. I, the applicant agrees to conform to all applicable laws of the City of Aurora. I also agree that all work performed will be in accordance with the plans and specifications as set forth in the approved permit. I understand that the approval of this application and issuance of a permit does not obviate the need to comply with all applicable laws and ordinances. I agree to hold harmless and indemnify the City of Aurora for any claim against the City as the result of any act of commission or omission by or on behalf of the undersigned, his/her agent, principle, contractor, subcontractor or supplier. I the undersigned am the Owner or a duly contracted representative of the owner of said property.

CONTRACTOR KEATH Construction

(PRINT)

CONTRACTOR Scott

(SIGNATURE)

OR

OWNER _____

(PRINT)

OWNER _____

(SIGNATURE)

MECHANICAL CONTRACTOR (primary contact) ☐

CITY OF AURORA

HVAC REGISTRATION # _____

BUSINESS NAME _____

CONTACT NAME _____

ADDRESS _____

CITY, STATE ZIP _____

N/A ☐

PHONE () _____

FAX () _____

E-MAIL _____

07-805. FRSP

240 N OAKHURST DR
GEMINI OFFICE
GEMINI OFFICE DEVELOPMENT

SESSION - APPLICATION FORM
MAR 23 2007

FOR OFFICIAL USE ONLY

TOTAL FEE

1257.⁰⁰

PERMIT APPLICATION NO.

07-805

BLDG
PLRV

1143

114

SUBMITTED

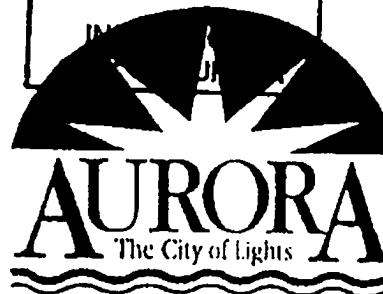
3/23/06

NOTIFIED

4/4/07

ZONING

WEB www.AURORA-il.org
FAX (630) 892-8112
TELEPHONE (630) 892-8088



DIVISION OF BUILDING & PERMITS
65 WATER STREET
AURORA, ILLINOIS 60505

LAND / PARCEL INFORMATION

PROPERTY
ADDRESS

240 N OAKHURST DR

IS THIS WORK ASSOCIATED WITH OTHER CONSTRUCTION WORK? ☒ YES ☐ NO

IF YOU ANSWERED YES, PLEASE PROVIDE BUILDING PERMIT NUMBER 06 - 00003529

COUNTY ☐ KANE ☐ DuPAGE TOWNSHIP 11 12 04 TOWNSHIP SECTION #(CHECK ONE) ☐ KENDALL ☐ WILL (CIRCLE ONE) 14 15 07

(Call tax assessor's office with questions)

03 01

BLOCK # (if known) LOT# (if known)

PROPERTY OWNER &

Contact Name Gemini OFFICE

TENANT &

Contact Name Same

OWNERS ADDRESS

1 S WACKER SUITE 300
CHICAGO IL 60606

PHONE # ()

FAX # ()

E-MAIL

ADDRESS

PHONE # ()

FAX # ()

E-MAIL

**ZONING INFORMATION
OCCUPANCY CLASSIFICATION**

Existing Use / Occupancy

Proposed Use / Occupancy B

☐ Single Occupancy (302.1)☐ Mixed Occupancy (302.3)☐ w/ Incidental use (302.1.1)☐ non-separated☐ w/ Accessory use (302.2)

< 10% of area & < allowable for Acc.

attach sum of ratios
calculation per section (504)

Check all Occupancy Classifications that apply below.

Assembly	<input type="checkbox"/> A-1	<input type="checkbox"/> A-2	<input type="checkbox"/> A-3	<input type="checkbox"/> A-4	<input type="checkbox"/> A-5
Business, Education, Factory	<input type="checkbox"/> B	<input type="checkbox"/> E		<input type="checkbox"/> F-1	<input type="checkbox"/> F-2
Hazardous	<input type="checkbox"/> H-1	<input type="checkbox"/> H-2	<input type="checkbox"/> H-3	<input type="checkbox"/> H-4	<input type="checkbox"/> H-5
Institutional	<input type="checkbox"/> I-1	<input type="checkbox"/> I-2	<input type="checkbox"/> I-3	<input type="checkbox"/> I-4	<input type="checkbox"/> I-5
Mercantile, Residential	<input type="checkbox"/> M		<input type="checkbox"/> R-1	<input type="checkbox"/> R-2	
Storage, Utility	<input type="checkbox"/> S-1	<input type="checkbox"/> S-2	<input type="checkbox"/> U		

PROPOSED WORK

New Sprinkler System 221 Hds 0

Relocate Existing Heads 0

Additional Sprinkler work 0

UL 300 Hood Suppression 0

Clean Agent Suppression System 0

Other 0

TOTAL COST OF IMPROVEMENTS \$ 66,000

[FOR SUPPRESSION- PERMIT FEES ARE A FUNCTION OF CONSTRUCTION \$]

002043

Address _____

Application # _____

CONTRACTOR REGISTRATION INFORMATION**SPRINKLER/SUPPRESSION CONTRACTOR**

CITY OF AURORA

G.C. REGISTRATION # 062-3048BUSINESS NAME FE MORAN FIRE PROT.CONTACT NAME DENNIS GREGORASHADDRESS 2165 SHERMER RDCITY, STATE, ZIP NORTHBROOK ILN/A ☐ PHONE (847) 498-4870FAX (847) 498-9084E-MAIL d.gregorash@fe-moran.com**CERTIFICATION**

This is an application only. Completion of this application does NOT entitle the commencement of construction. I, (the applicant) agree to conform to all applicable laws of the City of Aurora. I also agree that all work performed will be in accordance with the plans and specifications as set forth in the approved permit. I understand that the approval of this application and issuance of a permit does not obviate the need to comply with all applicable laws and ordinances. I agree to hold harmless and indemnify the City of Aurora for any claim against the City as the result of any act of commission or omission by or on behalf of the undersigned, his/her agent, principle, contractor, subcontractor or supplier. I the undersigned am the Owner or a duly contracted representative of the Owner of said property.

ELECTRICAL CONTRACTOR(primary contact) ☐

CITY OF AURORA

ELECT. REGISTRATION # _____

BUSINESS NAME _____

CONTACT NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

CONTRACTOR

PAUL FELCH

(PRINT)

CONTRACTOR

Paul Felch

(SIGNATURE)

OR

OWNER

(PRINT)

OWNER

(SIGNATURE)

PLUMBING CONTRACTOR(primary contact) ☐

CITY OF AURORA

PLUMBING REGISTRATION # _____

BUSINESS NAME _____

CONTACT NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

MECHANICAL CONTRACTOR(primary contact) ☐

CITY OF AURORA

HVAC REGISTRATION # _____

BUSINESS NAME _____

CONTACT NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

Address _____ Application # _____

BUILDING INFORMATION**CONSTRUCTION TYPE**

	CIRCLE ONE					CIRCLE ONE	
EXISTING	1	2	3	4	5	A	B
NEW	1	2	3	4	5	A	<u>B</u>

Non Combustible 1 Hr

ACTUAL BUILDING HEIGHT ± 21 FTACTUAL NUMBER OF STORIES 1SF PRINCIPAL 21,777 SF**FIRE PREVENTION INFORMATION**

Sprinklers ☒ WET ☐ DRY

☐ COMPLETE ☐ LIMITED ☐ OTHER

FIRE - WATER SERVICE ☐ EXIST 4" ☐ NEW

FIRE WATER SERVICE SIZE 4" ☐ ϕ

TYPE OF BACKFLOW PROTECTION DEVICE AMES 3000

FIRE PUMP? ☒ NO ☐ YES

STANDPIPES? ☒ NO ☐ YES

Exhaust HOOD SUPPRESSION ? ☒ NO ☐ YES

INSTALLATION REQUIREMENTS

SPRINKLER SYSTEMS SHALL BE INSTALLED IN ACCORDANCE TO NFPA 13. PER IFC 903.3.1.1 SPRINKLER PLANS SHALL MEET THE REQUIREMENTS OF NFPA 13, CHAPTER 6, 1996 EDITION.

WET CHEMICAL SHALL BE INSTALLED PER NFPA 17A.

DRY CHEMICAL SHALL BE INSTALLED PER NFPA 17.

CARBON DIOXIDE SHALL BE INSTALLED PER NFPA 12.

CLEAN AGENT SYSTEMS SHALL BE INSTALLED PER NFPA 2001.

FOAM SYSTEM SHALL BE INSTALLED PER NFPA 16.

STANDPIPE INSTALLATION MUST MEET REQUIREMENTS OF NFPA 14 AND CITY OF AURORA ORDINANCE 17-110.

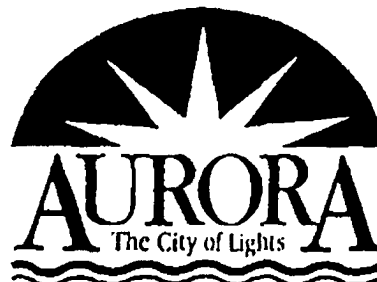
07-20-302-081

COMN - COMMERCIAL NEW CONSTRUCTION - APPLICATION FORM☐ Completed Project resulting in a Certificate of Occupancy **OR** ☐ White envelope for Future Tenant**FOR OFFICIAL USE ONLY****TOTAL FEE****PERMIT APPLICATION NO.**

06-3529

SUBMITTED 127.06

NOTIFIED 11.07

ZONINGBLDG 506.00
PLRV 51.00
C.O. (✓ above) 20
F.I.F. 1088.00
WTR 1194.00WEB www.CI.AURORA.IL.US
FAX (630) 892-8112
TELEPHONE (630) 892-8088**DIVISION OF BUILDING & PERMITS**
65 WATER STREET
AURORA, ILLINOIS 60505**06-3529. C-BU****240 N OAKHURST DR
GEMINI OFFICE
GEMINI OFFICE DEVELOPMENT****LAND / PARCEL INFORMATION****PROPERTY ADDRESS**OAKHURST & NEW YORK**SUBDIVISION** FOX VALLEY EAST UNIT/PHASE #52 OAKHURST LOT# 2**COUNTY** ☐ KANE ☒ DuPAGE **TOWNSHIP** 11 12 04 **TOWNSHIP SECTION #**
(CHECK ONE) ☐ KENDALL ☐ WILL (CIRCLE ONE) 14 15 07 If project involves new construction in DuPage County - Impact Tax must be Paid
03 01 **BLOCK #** (if known) **LOT#** (if known)

(Call tax assessor's office with questions)

PROPERTY OWNER & TENANT & GEMINI OFFICE DEVELOPMENT**Contact Name** THOMAS LEHMAN**Contact Name** DAVIDUS PETRASH**OWNER'S ADDRESS** 6301 S. CASS AVE. STE 301**ADDRESS** ONE SOUTH WALKER DR. STE 800WESTMONT, IL 60559CHICAGO, IL 60606**PHONE #** (630) 963-8184**PHONE #** (630) 302-0630**FAX #** (630) 963-9975**FAX #** (312) 634-5525**E-MAIL** TLEHMAN@AMELTEL.NET **E-MAIL****ZONING INFORMATION****Zoning** (CHECK ONE) ☐ R-1 ☐ R-2 ☐ R-3 ☐ PDD
Classification ☐ R-4 ☐ R-4A ☐ R-5 ☐ R-5A
☐ B-1 ☐ B-2 ☐ B-3 ☐ B-8
☐ SPECIAL USE
(CHECK IF APPLICABLE) ☐ M-1 ☐ M-2
☐ O ☐ ORI ☐ RD ☒ PDD
☐ DC ☐ DF ☐ C.O.A. Required**OCCUPANCY CLASSIFICATION****Existing Use / Occupancy****Proposed Use / Occupancy** B-BUSINESS

- ☐
- Single Occupancy (302.1)
-
- ☐
- w/ Incidental use (302.1.1)
-
- ☐
- w/ Accessory use (302.2)
-
- < 10% of area & < allowable for Acc.
-
- ☐
- Mixed Occupancy (302.3)
-
- ☐
- non-separated
-
- ☐
- separated attach sum of ratios
-
- calculation per section (504)

Check all Occupancy Classifications that apply below.Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Business, Education, Factory ☒ B ☐ E ☐ F-1 ☐ F-2
Hazardous ☐ H-1 ☐ H-2 ☐ H-3 ☐ H-4 ☐ H-5
Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4 ☐ I-5
Mercantile, Residential ☐ M ☐ R-1 ☐ R-2
Storage, Utility ☐ S-1 ☐ S-2 ☐ U**FLOOD ZONE INFORMATION****IS YOUR PROPERTY IN A FLOOD PRONE AREA?**☒ No ☐ Yes Verify with COA Engineering (630) 844-3620**GENERAL DESCRIPTION OF PROPOSED WORK**MEDICAL OFFICE BUILDING**TOTAL COST OF IMPROVEMENTS** \$ 4,000,000.00

COMN - Permit Application

Page 1 of 3

002046

Address _____ Application # _____

CONTRACTOR REGISTRATION INFORMATION

GENERAL CONTRACTOR (Check primary contact) ☐

CITY OF AURORA

G.C. REGISTRATION # 06-13969BUSINESS NAME KRAHL CONSTRUCTIONCONTACT NAME SCOTT MOUSELADDRESS 322 S. GREEN ST.CITY, STATE ZIP CHICAGO, IL 60607N/A ☐ PHONE (312) 648-9800FAX (312) 767-8552E-MAIL SMOUSEL@KRAHL-CONSTRUCTION.COMELECTRICAL CONTRACTOR (primary contact) ☐

CITY OF AURORA

ELECT. REGISTRATION # 06-3600BUSINESS NAME 11mm

CONTACT NAME _____

ADDRESS _____

CITY, STATE ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

PLUMBING CONTRACTOR (primary contact) ☐

CITY OF AURORA

PLUMBING REGISTRATION # 06-4059BUSINESS NAME Gehrett

CONTACT NAME _____

ADDRESS _____

CITY, STATE ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

CERTIFICATION

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CONTRACTOR _____ (PRINT)

CONTRACTOR _____ (SIGNATURE)

OR

OWNER Thomas L. Larson (PRINT)

OWNER _____ (SIGNATURE)

MECHANICAL CONTRACTOR (primary contact) ☐

CITY OF AURORA

HVAC REGISTRATION # 06-14029BUSINESS NAME State

CONTACT NAME _____

ADDRESS _____

CITY, STATE ZIP _____

N/A ☐ PHONE () _____

FAX () _____

E-MAIL _____

NOTE: FIRE SPRINKLER, FIRE ALARM AND SIGNAGE WORK; MUST ALL BE PERMITTED SEPARATELY.
MASS GRADING AND WORK IN THE PUBLIC RIGHT OF WAY MUST BE PERMITTED SEPARATELY.

002047

Address _____

Application # _____

BUILDING INFORMATION**CONSTRUCTION TYPE**

CIRCLE ONE

EXISTING 1 2 3 4 5 A B

NEW 1 2 3 4 5 A B

Sprinklers ☐ none ☐ limited ☒ completeFire Alarm ☐ no ☒ yesUnlimited Area ☐ no ☐ yesOccupants per s.f. 100Occupancy load 218ALLOWABLE TABULAR AREA (503) 23,000 s.f. 100 %INCREASE FOR FRONTAGE (508.2) + 17,250 s.f. + _____ %INCREASE FOR SPRINKLERS (506.3) + 69,000 s.f. + _____ %TOTAL ALLOWABLE AREA PER FLOOR 109,250 s.f. _____ %ACTUAL MAX. TOTAL AREA PER FLOOR 21,777 s.f. _____ %

TOTAL ALLOWABLE AREA ALL STORIES

[allowable s.f. / flr.] x [# stories (3max)] = 109,250 s.f. 21,777 s.f.ACTUAL BUILDING HEIGHT 24 FT ALLOWABLE HEIGHT 55 FTACTUAL NUMBER OF STORIES 1 ALLOWABLE # OF STORIES 4**BUILDING AREA**

[FOR NEW AREA - PERMIT FEES ARE A FUNCTION OF SQUARE FOOTAGE]

SF PRINCIPAL 21,777 SF

SF MEZZANINE _____ SF

SF BASEMENT / CRAWL _____ SF

TOTAL 21,777 SF**ELECTRICAL INFORMATION**ELECTRICAL WORK ? 100 ☐ NO ☒ YESELECTRIC SERVICE SIZE 600 AMPS 1 SET GENERAL# OF SETS OF SERVICE CONDUCTORS 2 SETSSIZES OF SERVICE CONDUCTORS 1 SET OF 4 #500 2 SETS OF# OF ELECTRIC METERS 2 SERVICE VOLTAGE 277/480 4#350

FIRE PUMP SIZE _____ FIRE PUMP VOLTAGE _____

PLUMBING INFORMATIONPLUMBING WORK ? ☐ NO ☒ YESDOMESTIC WATER SERVICE SIZE 3"OCCUPANT LOAD PER ILLINOIS PLUMB'G CODE 109PLUMBING FIXTURE UNITS 209 CW 59 NW 3/3 WASHTYPE OF BACKFLOW PROTECTION DEVICE RP2

Fox Metro W.R.D. needs a submittal

BUILDING COST

TOTAL \$ _____

MECHANICAL INFORMATIONMECHANICAL WORK ? ☐ NO ☒ YESTYPE HVAC RTU ☐ SPLIT SYST ☐ UNIT HTRS# BTU'S 689,000 ☒ A/C ☐ BOILER ☐ EXHAUSTKITCHEN HOOD ☒ NO ☐ YES EXHAUST HOOD ☐ NO ☒ YES**FIRE PREVENTION INFORMATION**SUPPRESSION SYST. WORK ? ☐ NO ☒ YESFIRE WATER SERVICE SIZE 4"TYPE OF BACKFLOW PROTECTION DEVICE DCDVFIRE PUMP ? ☒ NO ☐ YESSTANDPIPES ? ☒ NO ☐ YESExhaust HOOD SUPPRESSION ? ☒ NO ☐ YESFIRE ALARM SYST. WORK ? ☐ NO ☒ YES**DETAILED DESCRIPTION OF CONSTRUCTION WORK**

THERE ARE TWO (2) ELECTRICAL SERVICES FOR THIS PROJECT.

(1) FOR GENERAL, (1) FOR ELECTRIC HEAT.

DESIGN PROFESSIONALS IN RESPONSIBLE CHARGE -- PER IBC 106

LICENSED ARCHITECT / STRUCTURAL ENGINEER ILLINOIS PROFESSIONAL (Check primary contact) <input checked="" type="checkbox"/> DESIGN FIRM REG. # <u>189-000279</u>	CIVIL ENGINEER / PROFESSIONAL ENGINEER (Check if primary contact) <input type="checkbox"/>
BUSINESS NAME <u>JENSEN & HALSTEAD</u>	BUSINESS NAME <u>MORRIS ENGINEERING</u>
CONTACT NAME <u>DAVID DASTUR</u>	CONTACT NAME <u>JONAS VAZNELIS</u>
ADDRESS <u>358 WEST ONTARIO ST.</u>	ADDRESS <u>5100 SOUTH LINCOLN</u>
CITY, STATE ZIP <u>CHICAGO, IL 60610</u>	CITY, STATE ZIP <u>LITTLE, IL 60532</u>
PHONE (312) <u>664-7557</u>	PHONE (630) <u>271-0770</u>
FAX (312) <u>664-7558</u>	FAX (630) <u>271-0774</u>
E-MAIL <u>DDASTUR@JENSENANDHALSTEAD.COM</u>	E-MAIL <u>JONVAZNELIS@ECIVIL.COM</u>

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, COMPLY WITH ALL CODES.

ARCH or STRUCT or (P.E. for Mech. Elect. Plumb.)

(SIGNATURE) David Dastur

COMN - Permit Application

Page 3 of 3

002048

06.-5678. COFO**COFO - COMMERCIAL FOUNDATION ONLY - APPLICATION FC**
(NO UNDERGROUND UTILITIES)240 N OAKHURST DR
FOUNDATION ONLY
GEMINI OFFICE DEVELOPMENT

FOR OFFICIAL USE ONLY

TOTAL FEE

435.54

PERMIT APPLICATION NO.

06-5678PLRV \$.02/sf 21277

SUBMITTED

11/22/06

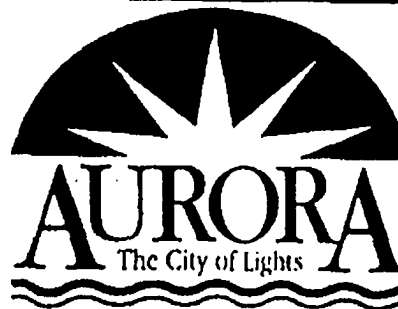
NOTIFIED

ZONING

1215106WEB www.AURORA-il.org

FAX (630) 892-8112

TELEPHONE (630) 892-8088

DIVISION OF BUILDING & PERMITS
65 WATER STREET
AURORA, ILLINOIS 60505Chm 11/28**LAND / PARCEL INFORMATION**

PROPERTY

ADDRESS 240 N OAKHURST AURORA ILSUBDIVISION FOX VALLEY EASTUNIT / PHASE # 52 OAKHURST LOT # 2COUNTY ☐ KANE☒ DUPAGE

TOWNSHIP 11 12 04

TOWNSHIP SECTION #

(CHECK ONE) ☐ KENDALL☐ WILL

(CIRCLE ONE) 14 15 07

If project involves new construction in DuPage County - Impact Tax must be Paid

(Call tax assessor's office with questions)

03 01

BLOCK # (if known)

LOT# (if known)

PROPERTY OWNER & GEMINI OFFICE DEVELOPMENT LLCContact Name THOMAS LERMANTENANT & GEMINI MEDICAL OFFICEContact Name TERI HUYCKOWNER'S ADDRESS ONE SOUTH WALKER DRIVEADDRESS ONE SOUTH WALKER DRIVECHICAGO IL 60615CHICAGO IL30-963-8154 PHONE # (312) 631-5525PHONE # (312) 542-6629 302-063030-963-4475 FAX # (312) 631-5525FAX # (312) 631-5525E-MAIL TELEMAN@AMORTECH.NET

E-MAIL

ZONING INFORMATION

Zoning (CHECK ONE) ☐ R-1 ☐ R-2 ☐ R-3 ☐ PDD
 Classification ☐ R-4 ☐ R-4A ☐ R-5 ☐ R-5A
☐ B-1 ☐ B-2 ☐ B-3 ☐ B-B

☐ SPECIAL USE

(CHECK IF APPLICABLE)

☐ M-1☐ M-2☐ O☐ ORI☐ RD☒ PDD☐ DC☐ DF

C.O.A. Required

OCCUPANCY CLASSIFICATION

Existing Use / Occupancy

Proposed Use / Occupancy B-BUSINESS☐ Single Occupancy (302.1)☐ Mixed Occupancy (302.3)☐ w/ Incidental use (302.1.1)☐ non-separated☐ w/ Accessory use (302.2)☐ separated attach sum of ratios
calculation per section (504)

Check all Occupancy Classifications that apply below.

Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5
 Business, Education, Factory ☒ B ☐ E ☐ F-1 ☐ F-2
 Hazardous ☐ H-1 ☐ H-2 ☐ H-3 ☐ H-4 ☐ H-5
 Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4 ☐ I-5
 Mercantile, Residential ☐ M ☐ R-1 ☐ R-2
 Storage, Utility ☐ S-1 ☐ S-2 ☐ U

COFO - Permit Application

TOTAL COST OF IMPROVEMENTS \$ 500,000

002049

Address 240 N. OAKHURSTApplication # -

CONTRACTOR REGISTRATION INFORMATION

GENERAL CONTRACTOR (Check primary contact) ☒
 CITY OF AURORA
 G.C. REGISTRATION # 06-13969

BUSINESS NAME KRAHL CONSTRUCTION
 CONTACT NAME Scott Mousel
 ADDRESS 322 S. GREEN STREET
 CITY, STATE ZIP CHICAGO IL 60607
 N/A ☐ PHONE (312) 648-9800
 FAX (312) 707-8552
 E-MAIL SMOUSELO@KRAHLCONSTRUCTION.COM

ELECTRICAL CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 ELECT. REGISTRATION # -

BUSINESS NAME _____
 CONTACT NAME _____
 ADDRESS _____
 CITY, STATE ZIP _____
 N/A ☐ PHONE () _____
 FAX () _____
 E-MAIL _____

PLUMBING CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 PLUMBING REGISTRATION # -

BUSINESS NAME _____
 CONTACT NAME _____
 ADDRESS _____
 CITY, STATE ZIP _____
 N/A ☐ PHONE () _____
 FAX () _____
 E-MAIL _____

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CONTRACTOR KRAHL CONSTRUCTION
 (PRINT)
 CONTRACTOR Scott Mousel
 (SIGNATURE)

OR

OWNER _____
 (PRINT)
 OWNER _____
 (SIGNATURE)

MECHANICAL CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 HVAC REGISTRATION # -

BUSINESS NAME _____
 CONTACT NAME _____
 ADDRESS _____
 CITY, STATE ZIP _____
 N/A ☐ PHONE () _____
 FAX () _____
 E-MAIL _____

NOTE: MASS GRADING AND WORK IN THE PUBLIC RIGHT OF WAY MUST BE PERMITTED SEPARATELY.

Address 240 N. OakhurstApplication # -

building information

CONSTRUCTION TYPE

CIRCLE ONE

EXISTING 1 2 3 4 5 A B

NEW 1 2 3 4 5 A B

Sprinklers o none o limited

complete

Fire Alarm o no o yes

Unlimited Area o no o yes

Occupants per s.f. _____

Occupancy load _____

ALLOWABLE TABULAR AREA (503)

INCREASE FOR FRONTAGE (506.2) + _____ s.f. + _____ 100 %

INCREASE FOR SPRINKLERS (506.3) + _____ s.f. + _____ %

TOTAL ALLOWABLE AREA PER FLOOR _____ s.f. %

ACTUAL MAX. TOTAL AREA PER FLOOR _____ s.f.

TOTAL ALLOWABLE AREA ALL STORIES

[allowable s.f. / flr.] x [# stories (3max)] = _____ s.f.

ACTUAL AREA ALL STORIES

_____ s.f.

ACTUAL BUILDING HEIGHT _____ FT ALLOWABLE HEIGHT _____ FT

ACTUAL NUMBER OF STORIES _____ ALLOWABLE # OF STORIES _____

BUILDING AREA

(FOR NEW AREA - PERMIT FEES ARE A FUNCTION OF SQUARE FOOTAGE)

SF PRINCIPAL-NEW / ADDITION 21,777 SFSF MEZZANINE NA SFTOTAL 21,777 SF

BUILDING COST

PRINCIPAL NEW / ADD

TOTAL \$ _____

DETAILED WRITTEN DESCRIPTION OF CONSTRUCTION WORK

New Medical Office Building 21,000 SF

DESIGN PROFESSIONALS IN RESPONSIBLE CHARGE -- PER IBC 106

LICENSED ARCHITECT / STRUCTURAL ENGINEER
ILLINOIS PROFESSIONAL (Check primary contact) ☐
DESIGN FIRM REG. # _____CIVIL ENGINEER / PROFESSIONAL ENGINEER
(Check if primary contact) ☐BUSINESS NAME JENSON & HAUSTEAD LTDCONTACT NAME DAVID DASTURADDRESS 358 W. ONTARIO STREETCITY, STATE, ZIP, CHICAGO IL 60610PHONE (312) 664-7557FAX (312) 664-7558E-MAIL DDASTUR@JENSONANDHAUSTEAD.COMBUSINESS NAME MORRIS ENGINEERINGCONTACT NAME PAT OTEROADDRESS 500 S. LINCOLN (RT 53)CITY, STATE, ZIP, Lisle IL 60532PHONE (630) 271-0770FAX (630) 271-0774

E-MAIL _____

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED BY ME OR UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, COMPLY WITH ALL CODES.

ARCH or STRUCT or (P.E. for Mech. Elect. Plumb.)

(SIGNATURE) David Dastur

COMC - COMMERCIAL MISCELLANEOUS (Temporary) - APPLICATION FORM

(Dumpsters, Tents, Trailers (Construction & Sales))

FOR OFFICIAL USE ONLY

TOTAL FEE

57 per NP

PERMIT APPLICATION NO.

06-5760

BLDG

PLRV

C.O.

F.I.F.

SUBMITTED

12.4.06

NOTIFIED

12.11.06

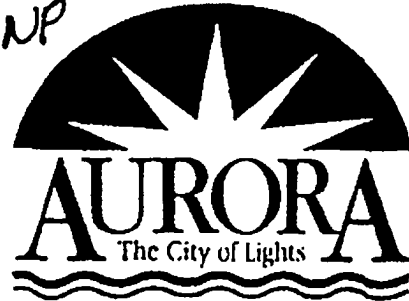
ZONING

PDD

WEB www.AURORA-il.org

FAX (630) 892-8112

TELEPHONE (630) 892-8088



DIVISION OF BUILDING & PERMITS
65 WATER STREET
AURORA, ILLINOIS 60505

240 N OAKHURST DR
CONSTRUCTION TRAILER
GEMINI OFFICE DEVELOPMENT

06.-5760. TRLR

LAND / PARCEL INFORMATION

PROPERTY ADDRESS

240 N. OAKHURST

SUBDIVISION

FOX VALLEY EAST

UNIT / PHASE # 52 OAKHURST LOT # 2

COUNTY

☐ KANE☒ DuPAGE

TOWNSHIP

11 12 06

TOWNSHIP SECTION #

20

(CHECK ONE)

☐ KENDALL☐ WILL

(CIRCLE ONE)

14 15 07

03 01

BLOCK # (if known)

302

LOT# (if known)

081

(Call tax assessor's office with questions)

PROPERTY OWNER & GEMINI OFFICE DEVELOPMENT

Contact Name THOMAS LEHMAN

TENANT & GEMINI OFFICE DEVELOPMENT

Contact Name DAINIUS PETRONIS

OWNER'S ADDRESS 6301 S. CASS AVE. STE 301

WESTMONT, IL 605

PHONE # ()

FAX # ()

E-MAIL

ADDRESS ONE SOUTH WACKER DR. STE. 800

CHICAGO IL, 60606

PHONE # (630) 302-0630

FAX # (312) 634-5525

E-MAIL

ZONING INFORMATION

Zoning (CHECK ONE)

☐ R-1☐ R-2☐ R-3☐ PDD

Classification

☐ R-4☐ R-4A☐ R-5☐ R-5A☐ B-1☐ B-2☐ B-3☐ B-8☐ SPECIAL USE☐ M-1☐ M-2☐ O☐ ORI☐ RD☒ PDD

(CHECK IF APPLICABLE)

☐ DC☐ DF

C.O.A. Required

OCCUPANCY CLASSIFICATION

Existing Use / Occupancy

Proposed Use / Occupancy B-BUSINESS

☐ Single Occupancy (302.1)☐ Mixed Occupancy (302.3)☐ w/ Incidental use (302.1.1)☐ non-separated☐ w/ Accessory use (302.2)☐ separated attach sum of ratios calculation per section (504)

< 10% of area & < allowable for Acc.

Check all Occupancy Classifications that apply below.

Assembly ☐ A-1 ☐ A-2 ☐ A-3 ☐ A-4 ☐ A-5Business, Education, Factory ☐ B ☐ E ☐ F-1 ☐ F-2Hazardous ☐ H-1 ☐ H-2 ☐ H-3 ☐ H-4 ☐ H-5Institutional ☐ I-1 ☐ I-2 ☐ I-3 ☐ I-4 ☐ I-5Mercantile, Residential ☐ M ☐ R-1 ☐ R-2Storage, Utility ☐ S-1 ☐ S-2 ☐ U

COMC - Permit Application

Page 1 of 3

57th

STREET

TOTAL COST OF IMPROVEMENTS \$ 1400

SEE ATTACHED
TEMPORARY
OFFICE
TRANSFER
SIT
up.

002052

Address _____

Application # _____

CONTRACTOR REGISTRATION INFORMATION

GENERAL CONTRACTOR (Check primary contact) ☐
 CITY OF AURORA
 G.C. REGISTRATION # _____

BUSINESS NAME KRAHL CONSTRUCTION
 CONTACT NAME KEVIN HORN
 ADDRESS 322 S. GREEN ST. 3RD FLOOR
 CITY, STATE, ZIP CHICAGO IL 60607
 N/A ☐ PHONE (312) 648-9800
 FAX (312) 648-4604
 E-MAIL KHORN@KRAHLCONSTRUCTION.COM

ELECTRICAL CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 ELECT. REGISTRATION # _____

BUSINESS NAME TIEM ELECTRIC INC.
 CONTACT NAME THOMAS J. MCGANN
 ADDRESS 17832 MULS ROAD
 CITY, STATE, ZIP JOULET, IL 60433
 N/A ☐ PHONE (815) 723-4501
 FAX (815) 723-7243
 E-MAIL _____

PLUMBING CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 PLUMBING REGISTRATION # _____

BUSINESS NAME _____
 CONTACT NAME _____
 ADDRESS _____
 CITY, STATE, ZIP _____
 N/A ☐ PHONE () _____
 FAX () _____
 E-MAIL _____

CERTIFICATION

This is an application only. Completion of this application does NOT entitle the commencement of construction. I, (the applicant) agree to conform to all applicable laws of the City of Aurora. I also agree that all work performed will be in accordance with the plans and specifications as set forth in the approved permit. I understand that the approval of this application and issuance of a permit does not obviate the need to comply with all applicable laws and ordinances. I agree to hold harmless and indemnify the City of Aurora for any claim against the City as the result of any act of commission or omission by or on behalf of the undersigned, his/her agent, principle, contractor, subcontractor or supplier. I the undersigned am the Owner or a duly contracted representative of the owner of said property.

CONTRACTOR KRAHL CONSTRUCTION
 (PRINT)

CONTRACTOR Kevin J. Horn
 (SIGNATURE)

OR

OWNER _____
 (PRINT)

OWNER _____
 (SIGNATURE)

MECHANICAL CONTRACTOR (primary contact) ☐
 CITY OF AURORA
 HVAC REGISTRATION # _____

BUSINESS NAME _____
 CONTACT NAME _____
 ADDRESS _____
 CITY, STATE, ZIP _____
 N/A ☐ PHONE () _____
 FAX () _____
 E-MAIL _____

NOTE: MASS GRADING AND WORK IN THE PUBLIC RIGHT OF WAY MUST BE PERMITTED SEPERATELY.

Address _____

Application # _____

BUILDING INFORMATION

Dumpster	<input type="radio"/> NO <input checked="" type="radio"/> YES	Comply with all applicable dumping and hauling regulations.
Construction Trailer	<input type="radio"/> NO <input checked="" type="radio"/> YES	Provide Porta-Toilets in quantities prescribed by State of Illinois Plumbing Code
Const. / Sales Trailer	<input type="radio"/> NO <input type="radio"/> YES	Sales Trailers need to be accessible to the public. Provide ramps, railings and paved HC spaces.
Sales Tent	<input type="radio"/> NO <input type="radio"/> YES	Tents need to be fire retardant, provide a copy of the certification of fire resistance.

BUILDING AREA

[FOR NEW AREA - PERMIT FEES ARE A FUNCTION OF SQUARE FOOTAGE]

SF PRINCIPAL NEW / ADDITION	<u>22,288</u>	SF
SF MEZZANINE		SF
SF PRINCIPAL REMODELED		SF
SF ACCESSORY		SF
SF BASEMENT / CRAWL		SF
TOTAL	<u>22,288</u>	SF

BUILDING COST

[FOR REMODEL - PERMIT FEES ARE A FUNCTION OF CONSTRUCTION \$]

PRINCIPAL NEW / ADD	\$ <u>4,000,000.00</u>
REMODELED	\$ _____
ACCESSORY	\$ _____
BASEMENT / CRAWL	\$ _____
TOTAL	\$ <u>1400</u>

ELECTRICAL INFORMATION

ELECTRICAL WORK?	<input type="radio"/> NO <input checked="" type="radio"/> YES
ELECTRIC SERVICE SIZE	<u>100</u> AMPS <input type="radio"/> EXIST <input type="radio"/> NEW
# OF SETS OF SERVICE CONDUCTORS	_____
SIZES OF SERVICE CONDUCTORS	_____

MECHANICAL INFORMATION

MECHANICAL WORK?	<input type="radio"/> NO <input checked="" type="radio"/> YES
MECHANICAL DUCT WORK	<input type="radio"/> EXIST <input type="radio"/> NEW
TYPE HVAC	<input type="radio"/> RTU <input type="radio"/> SPLIT SYST <input type="radio"/> UNIT HTRS
# BTU'S	<input type="radio"/> A/C <input type="radio"/> BOILER <input type="radio"/> EXHAUST

WRITTEN DESCRIPTION OF CONSTRUCTION WORK

Set up of New Temporary Construction Trailer. 36' X 8'
DEC - JUNE 2007

APPLICATION REQUIREMENTS FOR COMMERCIAL ACCESSORY STRUCT

Applicable Building codes are as follows (City of Aurora - Building Code and Electrical Code Amendments also apply):

2000 INTERNATIONAL BUILDING CODE and the following:

2000 International Fire Code	2000 International Plumbing Code	Illinois State Plumbing Code
2000 International Mechanical Code	1999 National Electric Code	Illinois Accessibility Code

The following items shall constitute a complete building permit submittal. Upon submittal acceptance, a permit application number shall be issued to the applicant all future contact with the Building and Permits Division will require this number. At time of submittal one project contact, shall be identified by the applicant (please check the appropriate party as the "primary contact" on the application form). All correspondence between City of Aurora Division of Building and Permits and the applicant will be directed to this individual.

SUBMITTALS TO THE BUILDING AND PERMITS DIVISION ARE INDICATED BELOW. COLLATE YOUR SUBMITTAL INTO THREE SETS (B, C & D).

- A. Completed Permit application.
- B. Three (3) copies of architectural site plan or civil engineering drawings indicating: all lot lines, building setbacks, existing structures, parking layout, curb cuts, light pole details, grading plan, utility plans and all fire hydrants within 500' of any property line. (For Zoning, Fire Prevention, and accessibility reviews). Include a Plat of survey and legal description on all parcels, which have not been issued street addresses.
- Complete Electrical plans with balanced panel schedules; load calculations, and one-line service diagrams indicating all components and sizes
 - Provide details of Accessible ramps, guardrails, handrails and parking spaces and signage if a Sales Trailer.

SUBMITTALS INDEPENDENT OF THE BUILDING AND PERMITS DIVISION ARE INDICATED BELOW (WITH A ☐ - CHECK BOX)

- ☐ If doing any mass grading work or work in the Public Right of Way; Submit two (2) complete sets of civil engineering drawings to the City of Aurora Engineering Department, 44 E. Downer Place. Attention Pete Haurykiewicz, (630)-844-3620. No building permits will be issued without City of Aurora Engineering Department approval and Engineering Department issued street address.
- ☐ Obtain sanitary connection permit and yellow card from Fox Metro Water Reclamation District; Engineering (630) 301-6882. Return this to the City of Aurora Building and Permits for attachment to permit application.
- ☐ If dumpster is placed on public sidewalk or on any public street or right of way, you must obtain a letter of approval from Randy Risvold from Neighborhood Standards. He may be reached at (630) 897-4589.

Note: All Signage requires separate permitting through the Building and Permits Division.
Work in Public Right of Way requires separate permitting through City of Aurora Engineering.

Review times for complete application with identified City of Aurora registered contractors and complete construction documents are approximately 1 week. For any questions please feel free to contact the City of Aurora Building and Permits Division. (630) 892-8088

EXHIBIT K

BP002055

Dahl, Jim

From: Ergo, Carie Anne
Sent: Monday, October 01, 2007 3:58 PM
To: Ergo, Carie Anne
Subject: City of Aurora Issues Occupancy Certificate for Planned Parenthood Facility, Media Release 10/1/07

Media Release Monday, October 01, 2007

City of Aurora Issues Occupancy Certificate for Planned Parenthood Facility after Reports Reveal Misrepresentation by Planned Parenthood is Not Enough to Deny Occupancy

AURORA, IL - Late this afternoon, the City of Aurora Building and Permits Division confirmed that an occupancy certificate has been issued to Gemini Office Development allowing the Planned Parenthood facility in Aurora to open.

At 3 p.m. today, the City of Aurora released reports from Phillip Luetkehans and Richard Martens revealing that Gemini Office Development's failure to disclose the tenant information during the development process is not a sufficient basis to permanently withhold occupancy. The findings come on the heels of Kane County State's Attorney John Barsanti's opinion released earlier this morning, which cleared Planned Parenthood and Gemini Office Development of criminal wrongdoing in the development of a 22,000-square-foot facility on 3051 E. New York Street in Aurora.

In response to the findings, Aurora Mayor Thomas Weisner issued the following statement:

"Last month, serious questions were raised about whether Gemini Office Development and Planned Parenthood were forthcoming in their dealings with the city and followed all local laws. As Mayor, I felt that I had a responsibility to the citizens of Aurora to investigate those allegations and with the support of the City Council initiated three independent reviews of the process.

Earlier today, Kane County State's Attorney John Barsanti cleared Planned Parenthood and Gemini Office Development of criminal wrongdoing. Both the Martens and Luetkehans reports indicate that Gemini and Planned Parenthood misrepresented certain tenant information. However, their reports also indicate that this is not a sufficient basis to deny an occupancy permit.

The Luetkehans report found that while a medical clinic is a permitted use for that property, medical clinics are excluded from performing major surgeries under the City of Aurora's zoning definitions. Based on a review of this finding, the city has contacted Planned Parenthood for clear written assurance that only minor surgeries as defined by the Luetkehans report would be performed at this facility.

Over the last few weeks, the City of Aurora has been inundated with thousands of phone calls, letters and requests from people who feel passionately about the abortion issue. As elected officials, we are sworn to uphold the law regardless of our personal, emotional or even religious beliefs. Based on the opinions of these three attorneys, the City of Aurora has no legal basis to deny Planned Parenthood an occupancy certificate and thus the Building and Permits Division will move forward with issuing Planned Parenthood an occupancy certificate."

With the support of the Aurora City Council, Mayor Weisner initiated an independent review of the entire development process after allegations surfaced that Gemini officials misled the city by not revealing the tenant to be Planned Parenthood on development documents and at least one public meeting when tenant information was requested. Gemini's temporary occupancy certificate expired on September 17, 2007.

On Thursday, September 20, 2007, U.S. District Judge Charles Norgle upheld the city's right to complete a thorough review of the facts surrounding the development process prior to issuing a new occupancy certificate. City officials indicate the occupancy certificate has been issued.

The Luetkehans and Martens reports are available online at www.aurora-il.org.

#

Carie Anne Ergo
Public Information Officer
City of Aurora

002056

Dahl, Jim

From: Ergo, Carie Anne
Sent: Friday, September 21, 2007 2:37 PM
To: Pringle, Ron; Dahl, Jim
Subject: FW: City of Aurora Statement on Today's Planned Parenthood Ruling, 09-20-2007

Please make sure this gets online today.

-----Original Message-----

From: Ergo, Carie Anne
Sent: Thursday, September 20, 2007 1:09 PM
To: Ergo, Carie Anne
Subject: City of Aurora Statement on Today's Planned Parenthood Ruling, 09-20-2007

Media Release Thursday, September 20, 2007

City of Aurora Statement on Planned Parenthood Ruling

AURORA, IL - On Thursday, September 20, 2007, U.S. District Judge Charles Norgle ruled that Planned Parenthood would remain closed pending the City of Aurora's review of the development process. In response to the ruling, Aurora Public Information Officer Carie Anne Ergo released the following statement:

"We are pleased the court upheld the city's right to conduct a thorough review of the facts surrounding the development process. Legitimate questions have been raised about whether Gemini Office Development and Planned Parenthood were forthcoming in their dealings with the city and followed all local laws. The Mayor and members of the City Council feel that they have a responsibility to the citizens of Aurora to investigate those allegations.

At this time, the city remains committed to completing the review of the facts as quickly as possible. By the end of this week, both attorneys retained to review the matter will forward their findings to Kane County State's Attorney John Barsanti for review. Mr. Barsanti has indicated that it will take his office one week to provide the city a final report.

While this has become a highly politicized issue, for the City of Aurora this has always been about making sure all local laws were followed in the development of the facility."

Mayor Weisner initiated an independent review of the entire development process after allegations surfaced that Gemini officials lied to the city by not revealing the tenant to be Planned Parenthood on development documents and at least one public meeting when tenant information was requested.

###

Carie Anne Ergo
Public Information Officer
City of Aurora
44 E. Downer Place
Aurora, IL 60507
Office: 630-844-3612
Mobile: 630-774-0598

002057



For more information:
Carie Anne Ergo
Public Information Officer
(630) 264-3063

Media Release
Thursday, September 20, 2007

Page 1 of 2

Statement on Planned Parenthood Occupancy

AURORA, IL – In response to numerous inquiries regarding whether it is permissible for Planned Parenthood employees and contractors to enter the facility, At this evening's council meeting, Corporation Counsel Alayne Weingartz made the following remarks regarding the status of Planned Parenthood's facility in Aurora.

"Recently questions have been raised on whether or not Planned Parenthood employees may be in the facility without an occupancy certificate. In early August prior to the beginning of the attorney's review, Planned Parenthood requested and was granted approval to set up office furniture and equipment with limited staff training activities. This pre-stock approval is consistent with our normal development process, in which many incoming businesses request and receive pre-stock approval.

The city did not issue a new occupancy permit to Planned Parenthood since there are now allegations of misconduct that are being independently reviewed. However, those allegations are not related to the life safety items that are the precondition to pre-stock approval. At this time we do not believe we have grounds to revoke the pre-stock approval, therefore there will continue to be limited activity in the building. The City intends to evaluate the results of the independent investigation to determine what action it should take with respect to further approvals for this facility."

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002058



For more information:
Carie Anne Ergo
Public Information Officer
(630) 264-3063

Media Release
Thursday, September 20, 2007

Page 1 of 2

Aurora Mayor Weisner Speaks Out on Planned Parenthood Occupancy Permit

AURORA, IL – Early this evening, Mayor Thomas J. Weisner made the following remarks regarding the status of Planned Parenthood's facility in Aurora.

"Over the past few weeks, there has been much debate on whether Planned Parenthood should be allowed to open here in Aurora. People on both sides of the abortion issue have weighed in and made their concerns known to city officials and the community at large.

First, I want to say thank you to every Aurora resident that has taken the time to call, write or attend a public meeting to make their view known. Your concerns have not gone unnoticed.

After several members of the community raised legitimate questions about whether Gemini and Planned Parenthood followed local laws, I halted the development process and launched an independent review of the entire process with the support of the City Council. We expect to receive the final report next Monday from Kane County State's Attorney John Barsanti and plan to make the report available to the public as early as Tuesday.

Recently questions have been raised on whether or not Planned Parenthood employees may be in the facility without an occupancy certificate. In early August prior to the beginning of the attorney's review,

- MORE -

002059

City of Aurora Statement on Recent Planned Parenthood Ruling
Page 2 of 2

Planned Parenthood requested and was granted approval to set up office furniture and equipment with limited staff training activities. This pre-stock approval is consistent with our normal development process. In fact more than half of all incoming businesses request and receive pre-stock approval. While the city has halted the progress of the development process, at this time we do not believe we have grounds to revoke the pre-stock approval, therefore there will continue to be limited activity in the building.

While others may want to politicize this issue, the city has not taken a position on Planned Parenthood or the services it provides. As Mayor, I have a responsibility to the citizens of Aurora to ensure that local laws were upheld in the development of the Planned Parenthood facility. I anticipate that the final report will provide the city the answers it needs to move forward.

If after reviewing Gemini and Planned Parenthood's actions and statements, the report finds no substantial legal grounds to withhold an occupancy certificate, the City of Aurora will be obligated to uphold the law and immediately allow Planned Parenthood to open for business.

If the report finds that Gemini and Planned Parenthood acted improperly and the city has legal grounds to deny occupancy, I will recommend continuing to do so while evaluating the city's options.

The City of Aurora has been thrust in the middle of a contentious national debate on abortion that threatens to divide our community, but I know our citizens are wise and strong. This will not divide us.

- MORE -

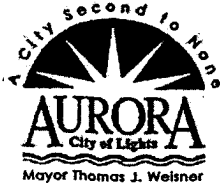
002060

Myself and each member of the City Council have an obligation to uphold the law regardless of our personal feelings about Planned Parenthood or our convictions on abortion. I believe that the people of Aurora understand and respect our position.

It is our responsibility as government officials to balance the rights of all parties - to protect the health, safety and welfare of the neighbors of living near the facility and maintain the tranquility of the neighborhood – to allow protestors to peacefully and publicly express their opinions – to treat Planned Parenthood with the same respect under the law as we would any other lawful organization.

Tonight, I ask each of you to be respectful and treat each other with the same courtesy that you would expect from others. I also request that you be respectful of each other's and the City Council's time. If a speaker has already addressed your comment or concern, please consider shortening your comments to allow more speakers an opportunity to add something new to the discussion.

###



For more information:
Carie Anne Ergo
Public Information Officer
(630) 264-3063

Media Release
Thursday, December 06, 2007

Page 1 of 2

City of Aurora Statement on Recent Planned Parenthood Ruling

AURORA, IL – Late this morning, U.S. District Judge Charles Norgle postponed ruling on Planned Parenthood's request for a preliminary injunction that would have required the city to allow Planned Parenthood to open for business on Tuesday, September 18, 2007. The judge has requested additional information and set a new hearing for Thursday morning.

In response to the ruling, Aurora Public Information Officer Carie Anne Ergo released the following statement:

"Mayor Weisner and members of the City Council feel that completing an independent review of the facts surrounding the development of the facility prior to its opening is a reasonable response to legitimate questions raised. The City of Aurora has not taken a position on Planned Parenthood or the services it provides. The purpose of this review has always been to determine whether Planned Parenthood and Gemini Office Development followed local laws and to advise the city of its legal options in the case our processes were not followed.

The city has no plans to issue a new occupancy certificate until it has sufficient time to complete and examine an independent review of the development process or a court compels us to do so. The city looks forward to presenting our arguments to the court on Thursday."

- MORE -

002062

City of Aurora Statement on Recent Planned Parenthood Ruling
Page 2 of 2

Mayor Weisner initiated an independent review of the entire development process after allegations surfaced that Gemini officials lied to the city by not revealing the tenant to be Planned Parenthood on development documents and at least one public meeting when tenant information was requested.

###

EXHIBIT L

000002064

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**PLANNED PARENTHOOD CHICAGO)
AREA, an Illinois non-profit Corporation,)
and GEMINI OFFICE DEVELOPMENT LLC,)
an Illinois limited liability company,)**

Plaintiffs,

v.

CITY OF AURORA,

Defendant.

Case No. 07 C 5181

Judge Norgle

Magistrate Judge Brown

**DEFENDANT'S RESPONSE TO PLAINTIFFS'
MOTION FOR PRELIMINARY INJUNCTION**

Defendant, CITY OF AURORA, by and through its attorneys, KLEIN, THORPE AND JENKINS, LTD., files its response to Plaintiffs' motion for preliminary injunction and asks the Court to deny the motion because Plaintiffs' cannot meet the necessary requirements for entry of the injunctive relief they seek. In support of request that the Court deny Plaintiffs' motion for preliminary injunctive, Defendant states as follows:

Introduction

Plaintiff Planned Parenthood/Chicago Area (hereinafter "PPCA") is an Illinois non-profit corporation. Gemini Office Development (hereinafter "Gemini") is a wholly owned affiliate of PPCA. On September 18, 2007, PPCA proposes to open a 22,000 square foot medical facility at 3051 East New York Street, Aurora, Illinois, that will provide an array of health care services – one of which is abortion.

PPCA, through Gemini, applied for requisite permits and certificates to build and occupy its medical facility in an area of the City of Aurora (hereinafter "Aurora") that is zoned as a Planned Development District (hereinafter "PDD"). On August 16, 2007,

Aurora building department staff issued Gemini a temporary occupancy permit for the proposed facility. *Affidavit of Alayne Weingartz* at ¶ 3, attached hereto and referred to herein as *Exhibit 1*. The process and procedures for acquiring permits to develop property within an Aurora PDD is codified in Section 10 of the Aurora Zoning Ordinance. These procedures include an appeal process of PDD decisions that can be activated by either permit and/or certificate applicants or a member of the City Council. Throughout the permitting process, Gemini, rather than PPCA, submitted materials to obtain requisite permits to build and occupy a medical facility in the PDD.

At various points during August of 2007, Aurora officials, including City Council members, learned that the facility at 3051 East New York Street would be occupied by Planned Parenthood. The city also received complaints that material misrepresentations or fraud was perpetuated by Plaintiffs in obtaining permits. *Id.* at ¶ 2. As part of the allegations, reference was made to a November 16 2006 meeting where a Gemini representative appeared and, when asked by a city alderman if the facility was being built specifically for a client answered that, “[w]e’re in negotiations with a tenant; we do not currently have a lease but we still want to move ahead.” *Id.* In other words, City officials had concerns that PPCA’s withholding of information may have compromised the PDD permitting process and procedures.

The Aurora City Code provides the City Council with the authority to “make investigations as to municipal problems and affairs.” *Aurora City Code*, Article II, § 2-17(4). The Aurora City Council initiated an investigation into alleged improprieties involving the manner in which PPCA secured requisite permits and certificates for its Planned Parenthood facility. The City Council appointed an independent investigator

who does not live in Aurora and has no ties to the city to conduct the inquiry. Defendant indicated to Plaintiffs that it would not issue a permanent occupancy certificate for the Planned Parenthood facility at 3051 East New York Street, nor would the facility be allowed to open, until the review process was completed and findings were made concerning alleged deceptive actions purportedly committed by Plaintiffs.

Plaintiffs filed a complaint for preliminary injunctive relief on September 13, 2007. According to the complaint, the sole reason Aurora has not issued a final certificate of occupancy to Plaintiffs so that they can open for business on September 18, 2007 is, "political opposition to the fact that PPCA provides abortion services as part of a broad range of health care services for its patients." *Verified Complaint For Preliminary Injunction and Other Relief* at ¶ 4. The complaint alleges that Aurora's review of Plaintiff's actions related to obtaining permits and certificates will prevent the opening of the Planned Parenthood facility at 3051 East New York Street on September 18, 2007. *Id.* at ¶ 28. Further, Plaintiffs allege that Aurora's actions will interrupt and delay PPCA patients who have scheduled appointments at the Planned Parenthood facility from obtaining family planning, contraceptive and abortion services. *Id.* at ¶ 30. Plaintiffs seek to enjoin Aurora from delaying the opening of the Planned Parenthood facility on the theory that Defendant's actions constitute a violation of Plaintiffs' equal protection rights under § 1983.

I. The Requirements For Granting A Motion For A Preliminary Junction

In order to obtain a preliminary injunction, the moving party must show that: (1) they are reasonably likely to succeed on the merits; (2) no adequate remedy at law exists; (3) they will suffer irreparable harm which, absent injunctive relief, outweighs the

irreparable harm the respondent will suffer if the injunction is granted; and (4) the injunction will not harm the public interest. *Joelner v. Village of Washington Park, Illinois*, 378 F.3d 613, 619 (7th Cir. 2004); *Christian Legal Society v. Walker*, 453 F.3d 853, 859 (7th Cir. 2006). In this case, Plaintiffs cannot satisfy the elements for issuance of a preliminary injunction and, therefore, the motion should be denied.

II. Plaintiffs Cannot Show That They Are Reasonably Likely To Succeed On The Merits Of Their Equal Protection Claim

Plaintiffs' motion for preliminary injunction should be denied because they cannot demonstrate a reasonable likelihood of success on the merits of their § 1983 Equal Protection claim against Aurora for at least two reasons. First, Plaintiffs' action for preliminary injunction lacks ripeness. Second, assuming *arguendo* that Plaintiff's claim for injunctive relief has requisite ripeness, Plaintiffs cannot demonstrate a reasonable likelihood of success on the merits on their claim that their equal protection rights have been violated because Aurora's actions in withholding a permanent occupancy permit for the Planned Parenthood facility at 3051 East New York Street are rationally related to a legitimate governmental purpose.

A. Plaintiffs' Cause Of Action Is Not Ripe For Consideration By The Court

Plaintiffs' attempt to enjoin Aurora from preventing the opening of the Planned Parenthood facility should be denied because the injunctive claim is not ripe for judicial consideration and, consequently, this Court lacks subject matter jurisdiction over the matter. The United States Supreme Court, in *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, has indicated that in matters concerning land use, a claim is not ripe for judicial consideration until final decisions regarding the

application of pertinent regulations have been obtained. 473 U.S. 172, 186, 105 S.Ct. 3108, 3116 (1985). The *Williamson* Court indicated a distinction between ripeness considerations and exhaustion of administrative remedies in stating that:

Respondent asserts that it should not be required to seek variances from the regulations because its suit is predicated upon 42 U.S.C. § 1983, and there is no requirement that a plaintiff exhaust administrative remedies before bringing a § 1983 action. . . . The question whether administrative remedies must be exhausted is conceptually distinct, however, from the question whether an administrative action must be final before it is judicially reviewable. . . . While the policies underlying the two concepts often overlap, the finality requirement is concerned with whether the initial decisionmaker has arrived at a definitive position on the issue that inflicts an actual, concrete injury; the exhaustion requirement generally refers to administrative and judicial procedures by which an injured party may seek review of an adverse decision and obtain a remedy if the decision is found to be unlawful or otherwise inappropriate.

Id. at 192-193.

In *Patel v. City of Chicago*, 383 F.3d 569 (7th Cir. 2004), plaintiffs were owners of motels located on the far north side of Chicago. The Chicago City Council passed an ordinance designating the area surrounding the motels as a redevelopment zone and identified the motels as potential targets for acquisition by eminent domain. *Id.* at 570. Plaintiffs filed a § 1983 claim alleging their equal protection rights had been violated by the City of Chicago's decision to target their properties for possible acquisition. According to plaintiffs, the designation of their properties for eminent domain proceedings was arbitrary, capricious and exhibited *animus* by defendants towards plaintiffs. *Id.* at 572. The Seventh Circuit affirmed the district court's dismissal of plaintiffs' action, finding that the complaint did not satisfy the *Williamson* requirements for ripeness. The Court noted, "[t]he basic rationale of the ripeness doctrine is 'to prevent the courts, through avoidance of premature adjudication, from entangling

themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way by the challenging parties.” *Id.* quoting *Sprint Spectrum L.P. v. City of Carmel*, 361 F.3d 998, 1002 (7th Cir. 2004) (quoting *Abbott Labs v. Gardner*, 387 U.S. 136, 148-149, 87 S.Ct. 1507, 18 L.Ed. 2d 681 (1967)) (internal quotation marks omitted).

Plaintiffs seek to analogize the instant matter to the situation in *Planned Parenthood of Northern New England v. City of Manchester*. In *Manchester*, Planned Parenthood submitted building plans to the municipal Building Commissioner, who, after review of the materials, issued a building permit. Subsequently, a number of individuals sought reversal of the Building Commissioner’s decision from the Zoning Board of Adjustment (hereinafter the “ZBA”). 2001 WL 531537 (D.N.H. 2001) * 1.¹ Following a public hearing, the ZBA reversed the Building Commissioner’s action and revoked the building permit. *Id.* This revocation decision represented a formal, final administrative decision that had a concrete effect on plaintiffs. Planned Parenthood had invested considerable money in financing and contracting for refurbishment construction. *Id.* at *6. The individual plaintiffs suffered denial of their constitutionally protected right to abortion because the ZBA revoked the previously issued building permit. *Id.* at * 5-6.

This case can be distinguished from *Manchester*. The Aurora Zoning Ordinance and the Aurora City Code set forth review mechanisms for permit and certification decisions concerning PDD property developments. The City Council has initiated an independent review of the means by which Plaintiffs received permits and certificates for building and occupying the Planned Parenthood facility at 3051 East New Street. This

¹ A copy of this Westlaw cited case is attached for the Court’s convenience as *Exhibit 2*.

review has not resulted in a final administrative decision that has been formalized and its effects felt in a concrete way by Plaintiffs. Aurora has indicated that it will not allow Plaintiffs to use their facility as an abortion clinic *until* a review of allegations related to Plaintiffs' actions during the permitting process has been completed. At this point, no final decision has been rendered and Plaintiffs have not suffered injury. Therefore, Plaintiffs' complaint for preliminary injunction falls within the ambit of the *Williamson* doctrine, and, as such, it should be dismissed for lack of ripeness.

B. Plaintiffs' Claim That Aurora Has Violated Their Equal Protection Rights By Investigating The Process Used In Granting Plaintiffs Building And Occupancy Permits Cannot Succeed Because The City's Actions Are Rationally Related To the Promotion Of A Legitimate Governmental Purpose

1. Rational Relatedness Is The Proper Standard To Apply To Plaintiffs' Equal Protection Claim Against Aurora

Plaintiffs assert that Defendant has undertaken a review process concerning whether or not they committed improprieties that resulted in the city issuing building permits and occupancy certificates solely due to political opposition to the fact that PPCA intends to provide abortion services at the Planned Parenthood facility at 3051 East New York Street. *Verified Complaint For Preliminary Injunction And Other Relief* at § 36. Plaintiffs allege that Aurora's actions in conducting its investigation and delaying the opening of their Planned Parenthood facility results in discrimination due to the nature of the services they provide in violation of the Equal Protection Clause of United States Constitution. *Id.* at ¶ 38.

In evaluating claims brought under the Equal Protection Clause of the Constitution, it is necessary to determine if the allegedly aggrieved party should be considered a member of a suspect class. *City of Cleburne, Texas v. Cleburne Living*

Center, 473 U.S. 432, 440-441, 105 S.Ct. 3249 (1985). If governmental action classifies parties by categories such as race, alienage, or national origin, then strict scrutiny is applied and the action will be found constitutional only if it is suitably tailored to serve a compelling governmental interest. *Vision Church, United Methodist v. Village of Long Grove*, 468 F.3d 975, 1000 (7th Cir. 2006). Action that classified by gender also calls for a heightened standard of review. *City of Cleburne, Texas v. Cleburne Living Center*, 473 U.S. at 440. Strict scrutiny also is appropriate when governmental action interferes with a person's fundamental rights, such as freedom of speech or religion. *Id.* United States Supreme Court caselaw has established that the right to abortion is a fundamental right. *Roe v. Wade*, 410 U.S. 113, 155, 93 S. Ct. 705 (1973); *Hodgson v. Minnesota*, 497 U.S. 417, 462, 110 S.Ct. 2926 (1990). If no suspect class or fundamental right is implicated, then the rational basis test is proper to determine whether the governmental action violates equal protection or not. *Vision Church, United Methodist v. Village of Long Grove*, 468 F.3d at 1000-1001.

Here, Plaintiffs' allegation that Aurora initiated a review of the process used in granting permits and certificates for the proposed Planned Parenthood facility simply and solely because of political pressure from abortion opponents does not implicate heightened scrutiny. Unlike *Planned Parenthood of Northern New England v. City of Manchester*, plaintiffs in the instant matter *do not include* individually named parties. The complaint for preliminary injunction does not include allegations that would identify an entity that has suspect class status. Further, Plaintiffs' pleadings on their face do not allege that Aurora's actions violated a fundamental right of an aggrieved party.

Therefore, the proper standard for evaluating Plaintiff's Equal Protection claim is the rational basis test.

Plaintiffs undoubtedly will respond that Aurora's actions in investigating the process used in granting building permits and occupancy certificates will delay the opening of the Planned Parenthood facility and, in so doing, work to deny some patients of their fundamental right to abortion. Therefore, if Aurora's actions are likely to result in violation of the fundamental right to abortion, strict scrutiny should be applied. Defendant must show that its decision to investigate Plaintiffs' conduct in obtaining a building permit and an occupancy certificate promotes a compelling governmental interest.

Plaintiffs' argument for the use of strict scrutiny in this matter fails for two reasons. First, nothing on the face of the complaint for preliminary injunction identifies that a fundamental constitutional right has been violated by Aurora's decision to investigate the permitting process used in granting Plaintiffs building and occupancy permits. Second, Plaintiffs' claim that a violation of the fundamental right to abortion will occur due to Aurora's actions depends on a mischaracterization of the controversy in this matter.

The Plaintiffs argue in their *Memorandum Of Law In Support Of Their Motion For Injunctive Relief* that Aurora is treating Planned Parenthood differently than any other medical facility because it will provide abortion services. *Memorandum* at 8. This argument is an assertion unsupported by the record. Further, the argument seeks to turn a dispute regarding Defendant's decision to investigate allegations of PPCA improprieties